

Appl. No. 10/698,706  
Amdt. Dated November 21, 2005  
Reply to Office Action of June 21, 2005

### REMARKS

The applicant respectfully thanks the Office for its careful consideration of this case, and for the Examiner's telephone conversation of October 20, 2005 with the Applicant's attorney.

#### Claim Rejections – 35 USC § 103

The Office has quoted the statute from 35 USC 103(a), which is referenced herein. The Office has rejected claim 1, 9-11, 21 and 22 as being unpatentable over either U.S. Patent no. 4,670,324 issued to Sato *et al.*, or US Patent No. 6,551,450 issued to Thomas *et al.* in view of other references. Applicant has carefully considered the Office rejections and respectfully submits that the amended claims, as supported by the arguments herein, are distinguishable from the cited reference.

According to the MPEP §2143.01, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in either the references themselves or in the knowledge generally available to one of ordinary skill in the art."

A useful presentation for the proper standard for determining obviousness under 35 USC §103(a) can be illustrated as follows:

1. Determining the scope and contents of the prior art;
2. Ascertaining the differences between the prior art and the claims at issue;
3. Resolving the level of ordinary skill in the pertinent art; and
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

The applicant respectfully submits that claim 1 as amended is not obvious in light of the '324 reference. In contrast to the claimed invention, the '324 reference does not disclose ribs formed symmetrically about the weld surface from the first and second walls to obtain the desired high degree of shock absorption. The '324 reference, illustrated in Figure 1 does not

Appl. No. 10/698,706  
Amdt. Dated November 21, 2005  
Reply to Office Action of June 21, 2005

disclose energy absorbing "ribs" comprising a first recessed rib and a second recessed rib which are approximately same shapes (i.e. symmetrical). In particular, the applicant submits that the '324 reference does not disclose such ribs where the resulting structure is symmetric on either side of the weld joint at which the first and second ribs are jointed. The alleged ribs of the '324 reference are not "symmetric", in that reinforcement "ribs" having various shapes, presumably the "reinforcing portions 15" (grooves or depressions in one surface, having no symmetrical structure on the opposing side) are formed to solve the lack-of-strength of the panel and do not provide symmetry which improves the shock absorption characteristics of a panel. In the applicant's amendments, the applicant clarifies the claimed structure with regard to the symmetry of the recessed ribs, and does not add new matter.

The applicant further submits that claim 1 is distinguishable from the '450 reference as the '450 reference fails, as noted by the Examiner in the Office Action to which this is a response to disclose a permanent deformation of the ribs. The applicant further notes that such a disclosure is also missing for US Patent No. 6,385,864 issued to Sell, Jr. et al. The applicant has amended the claims to clarify what was meant by "crush". The applicant respectfully submits that to crush, as used in the application, means to permanently deform or destroy. *Cf.* The Oxford English Dictionary 2d., Vol. IV, 86-87 (1989). Both the '450 reference and the '864 reference disclose non-permanent deformation, and the impermanency of that deformation is central to their structure and use.

For further clarification of the structure of the claimed invention, the applicant draws the Office's attention to the photographs attached to this response as Appendix A.

The applicant respectfully submits that claim 1 is patentably distinct from the cited references, and therefore, those claims dependant from that claim are also patentably distinct from the cited references. The applicant respectfully requests that the Office withdraw its rejection of these claims and that it grant a timely notice of allowance.

Appl. No. 10/698,706  
Amdt. Dated November 21, 2005  
Reply to Office Action of June 21, 2005

Applicant believes the above amendments and remarks to be fully responsive to the Office Action, thereby placing this application in condition for allowance. No new matter is added. Applicant requests speedy reconsideration, and further requests that Examiner contact its attorney by telephone, facsimile, or email for quickest resolution, if there are any remaining issues.

Respectfully submitted,



Vernon C. Maine, Reg. No. 37,389  
Scott J. Asmus, Reg. No. 42,269  
Andrew P. Cernota, Reg. No. 52,711  
Attorneys/Agents for Applicant

Cus. No. 24222  
Maine & Asmus  
PO Box 3445  
Nashua, NH 03061-3445  
Tel. No. (603) 886-6100, Fax. No. (603) 886-4796  
Info@maineandasmus.com

Application No. 10/698,706  
Attorney Docket No. KYFR-US

## **Appendix A**

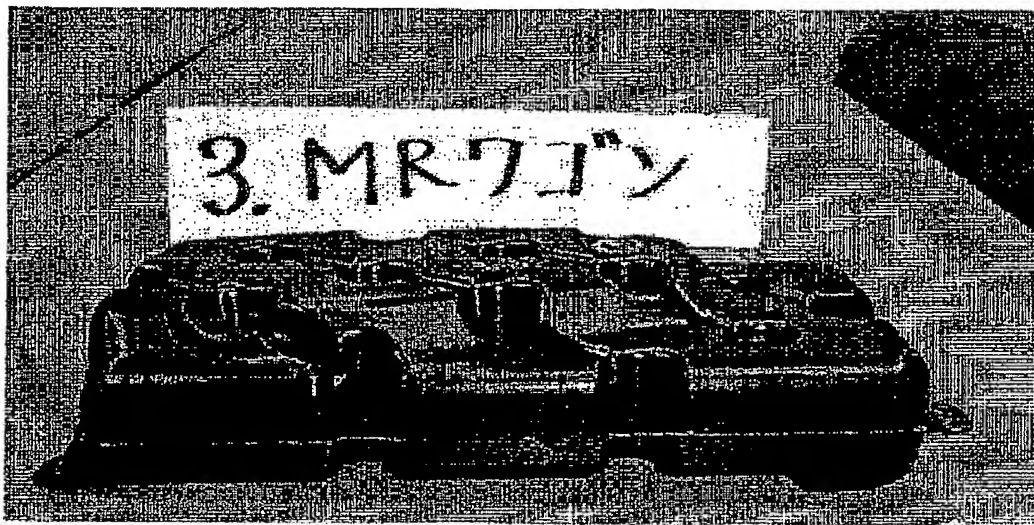
**Photos: 1-7, 11-16**

**BEST AVAILABLE COPY**



**BEST AVAILABLE COPY**





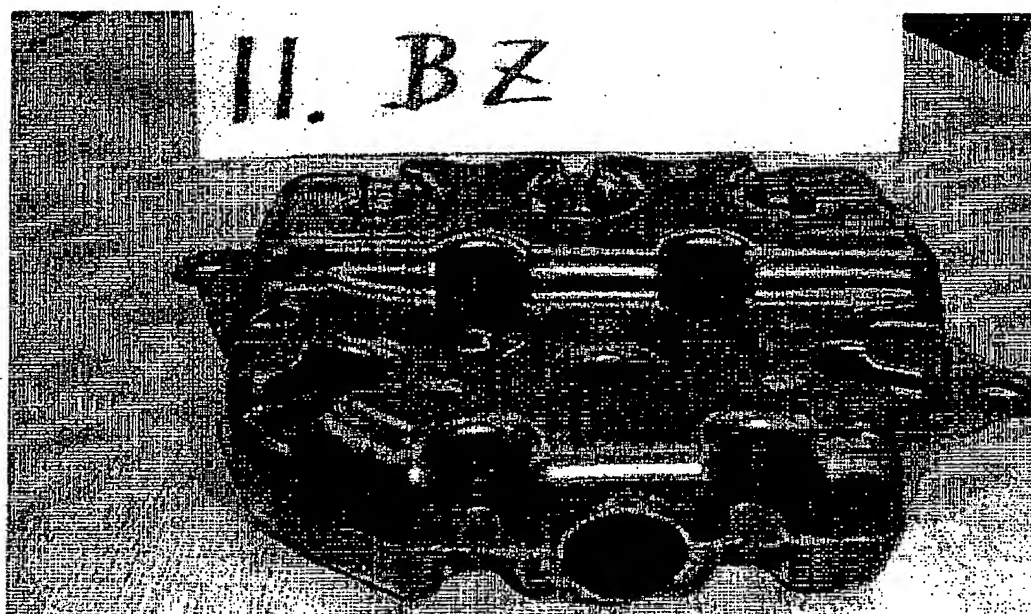






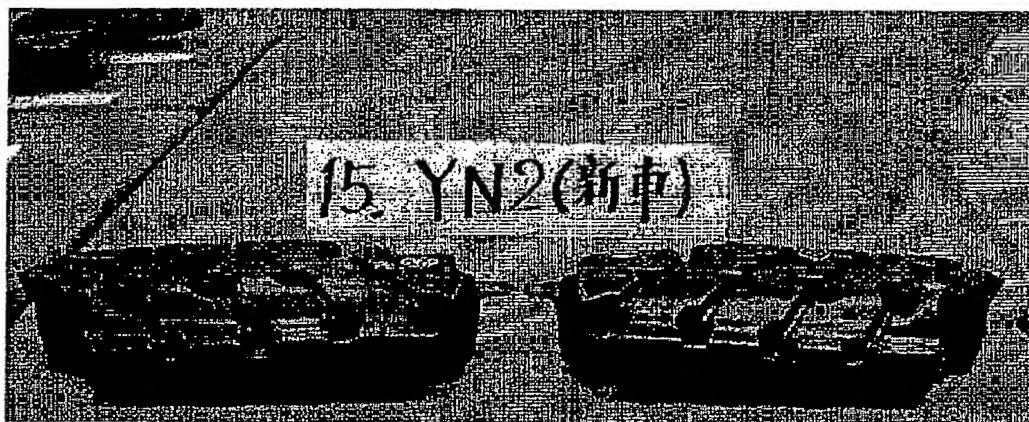
















**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☒ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☐ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**